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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,627	03/29/2004	Joerg Moisel	3926.077	2706

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EXAMINER

GAGLIARDI, ALBERT J

ART UNIT PAPER NUMBER

2884

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/811,627	Applicant(s) MOISEL, JOERG	
	Examiner Albert J. Gagliardi	Art Unit 2884	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 . Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Comment on Submissions

1. This Office Action is responsive to submissions, including the preliminary amendment filed 29 March 2004.

Claim Objections

2. Claim 9 is objected to because of the following informalities:

Regarding claim 9, claim 9 includes a limitation of a filter associated with "a" camera. This should probably be "the" or "said" camera.

3. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 9, the claim includes a limitation of an IR-filter associated with a (sic) camera. The examiner notes that this limitation is somewhat ambiguous because while it is common to include an infrared filter as part of the detector of infrared sensitive cameras (see for example the filter associated with the detector (34) disclosed by *Cooper* as discussed below), the disclosure seems to suggest that the recited filter is a different or additional filter that might be associated more with the camera itself than with the detector. For the purpose of this office action, the examiner has assumed the latter.

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Regarding claims 11-15, the claims recite limitations of "said at least one area." This limitation is unclear because there are at least two different possible antecedent bases (claims 9 and 10) for these limitations.

The remaining claims are rejected on the basis of their dependency.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper (US 6,150,930) in view of Eschler *et al* (US 2002/0001198 A1) and Kobayashi (US 2003/0076688 A1).

Regarding claim 9, *Cooper* discloses (Figs. 2 and 5) a device for improving the view in a motor vehicle (20), comprising a radiation source (26) for illumination of the vehicle environment with infrared radiation, an infrared sensitive camera (30) for detecting at least a part of the illuminated vehicle environment and a display (60) for representing the image information acquired by the camera

Regarding, as best understood, the IR filter associated with the camera, while *Cooper* does not disclose such a filter, *Eschler* discloses an IR-screen (24) associated with a camera (12) (col. 4, lines 61-63) wherein the non-screen areas of the IR-screen would be almost transparent for visible light or parts thereof. Regarding the screen being arranged as a filter, those skilled in the art appreciated that it is well known and considered as a functionally equivalent alternative

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design choice to arrange the screen as an IR-filter (see for example *Kobayashi* at Fig. 2, element 30A) wherein different areas of the IR-filter exhibit different transmission characteristics, and wherein at least one area of the IR-filter would be almost transparent for visible light or parts thereof (§10046). As such, absent some degree of criticality, the substitution of a filter for the camera instead of the screen as suggested by *Eschler* would have been a matter of routine design choice in view of the known use of such filters and the functional equivalence thereof.

Regarding claim 10, in the device suggested by *Cooper* in view of *Eschler* and *Kobayashi*, at least one area of the IR-filter would exhibit a significantly lower degree of transmission for visible light (see for example col., 3, lines 18-21 of *Eschler*). The particular degree of transmission is considered a matter of routine design choice within the skill of a person of ordinary skill in the art.

Regarding claims 11-14, absent some degree of criticality, the particular location of the area such as at the edge or in a central portion, as well as the size and shape of the area would have been a matter of routine design choice depending on the needs of the application and such factors as the location of the camera and the expected light detection intensity pattern typically found in vehicle vision applications. In addition, locating the area at an edge portion or central portion would have been an obvious design choice in view of some of the light emission patterns suggested by *Kobayashi* (see generally Figs. 3-4, 6, 8, 10-11 and 13).

Regarding claim 15, in the device suggested by *Cooper* in view of *Eschler* and *Kobayashi* the area is an open area in the coating.

Regarding claim 16, in the device suggested by *Cooper* in view of *Eschler* and *Kobayashi*, the second area (the area covered by the IR transmitting film 32A) would exhibit a significantly lower degree of transmission for visible light. The particular degree of transmission

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is considered a matter of routine design choice within the skill of a person of ordinary skill in the art.

Regarding claim 17, in the device suggested by *Cooper* in view of *Eschler* and *Kobayashi*, the IR-filter is transmissive for infrared radiation emitted by said radiation source.

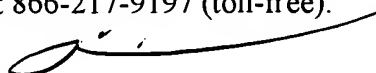
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert J. Gagliardi whose telephone number is (571) 272-2436. The examiner can normally be reached on Monday thru Friday from 10 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Albert J. Gagliardi
Primary Examiner
Art Unit 2884

AJG